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17-27-27. "Unincorporated" and "subdivision" defined.

For the purposes of this act, "unincorporated" means situated outside of cities and towns, so that when used in connection with "territory," "areas," or the like, it covers, includes and relates to territory or areas which are not within the boundary of any city or town. "Subdivision" means the division of a tract, or lot or parcel of land into three or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future of sale or of building development; provided, that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing or industrial land for commercial, manufacturing or industrial purposes. Nor shall this definition apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder.

History: L. 1941, ch. 23, § 27; C. 1943, 19-24-27; L. 1953, ch. 27, § 1.

Meaning of "this act". — See the note under the same catchline following § 17-27-2.

CHAPTER 28**FIREMEN'S CIVIL SERVICE COMMISSION**

Section	Section
17-28-1. Creation and composition of commission—Appointment of members—Terms of office.	Examinations — Eligibility — Tests.
17-28-2. Vacancies — Qualifications of members — Compensation and expenses — Removal from office.	17-28-8. Appointments to fire department.
17-28-3. Organization of commission—Secretary—Accommodations, equipment.	17-28-9. Certification of eligible persons to fire department heads—Probationary appointments.
17-28-4. Duties of secretary—Records, books.	17-28-10. Filling vacancies—Examinations.
17-28-5. Filling positions in county fire department—Head of department.	17-28-11. Temporary appointments.
17-28-6. Commission powers and duties—Examination, classification and certification.	17-28-12. Removal from office—Reduction in rank or grade—Appeals—Hearing and determination—Findings.
17-28-7. Appointments to fire department—	17-28-13. Remedies of aggrieved person—Venue—Answer—Issues and determination.
	17-28-14. Reports by civil service commission.

17-28-1. Creation and composition of commission — Appointment of members — Terms of office.

There is hereby created in each of the counties of this state having and maintaining a regularly organized fire department in which there are regularly employed four or more paid firemen as that term is defined in § 49-6-3, a county firemen's civil service commission consisting of three members to be appointed by the board of county commissioners of each of such counties, each of said members to serve for a term of six years except as hereinafter provided.

Upon the effective date of this act, or as soon thereafter as may be practicable, the board of county commissioners of each of such counties shall appoint one member to hold office for a period of two years, one to hold office for a period of four years, and one to hold office for a period of six years. At the expiration of the term of each of such members so appointed, such board of county commissioners shall appoint his successor and successors to serve for the successive established terms of six years.

History: L. 1945, ch. 36, § 1; C. 1943, Supp., 19-24a-1.

"Effective date of this act". — The term "effective date of this act," referred to in this section, means May 8, 1945, the effective date of Laws 1945, Chapter 36.

Meaning of "this act". — The term "this act," referred to in this section, means Laws 1945, Chapter 36, which appears as §§ 17-28-1 to 17-28-14.

Compiler's Notes. — Section 49-6-3, referred to in this section, was repealed by Laws 1971, ch. 110, § 44. For present provisions of the Utah Firemen's Retirement Act, See § 49-6a-1 et seq.

Cross-References. — Firemen's Retirement Act, § 49-6a-1 et seq.

COLLATERAL REFERENCES

Am. Jur. 2d. — 15A Am. Jur. 2d Civil Service § 1 et seq.

17-28-2. Vacancies — Qualifications of members — Compensation and expenses — Removal from office.

Any vacancy occurring on the county firemen's civil service commission shall be filled by appointment by the board of county commissioners for the unexpired term. Not more than two members of any such county firemen's civil service commission shall at any one time be affiliated with or a member of the same political party, nor shall any one member hold during the term of his office any other public office or be a candidate for any other public office. Each such member shall receive \$25 for each meeting of the commission of which he is a member, attended by him, and a travel allowance equal to the set state travel allowance per mile from his place of residence to the place of meeting both going and coming. Such compensation and allowance shall be a charge against the county and paid monthly. In case of misconduct, willful neglect or inability to perform the duties of his office, any such member may be removed from office by the board of county commissioners upon a majority vote of the entire membership, but such member, if he so desires, shall have an opportunity to be heard in his own defense.

History: L. 1945, ch. 36, § 2; C. 1943, Supp., 19-24a-2; L. 1975, ch. 28, § 1.

17-28-3. Organization of commission — Secretary — Accommodations, equipment.

Each of such county firemen's civil service commissions shall be organized by its members by selecting one of its members chairman and shall have assigned to it by the board of county commissioners of the county in which it is organized, a qualified employee of the county to act as secretary. Such county employee shall be acceptable to the county firemen's civil service commission and shall act and serve as such secretary without additional compensation. The board of county commissioners of such county shall also provide suitable accommodations, equipment and necessary funds to enable the county firemen's civil service commission of its county to attend properly to its business.

History: L. 1945, ch. 36, § 3; C. 1943, Supp., 19-24a-3.

17-28-4. Duties of secretary — Records, books.

The secretary of the county firemen's civil service commission shall keep a record of all its meetings and of its work and official acts and shall perform such other service as may be required by such civil service commission and shall have the custody of the commission's books and records.

History: L. 1945, ch. 36, § 4; C. 1943, Supp., 19-24a-4.

17-28-5. Filling positions in county fire department — Head of department.

All positions or places of employment now existing or hereafter created in county fire departments, coming within the provision of this act, shall be filled by persons appointed from a classified civil service list prepared by the county firemen's civil service commission as in the next succeeding section hereof provided for, and no appointment to any such position or place of employment shall be made except as in this act provided for and the rules and regulations of such county firemen's civil service commission, excepting however, the position of head or person in charge of such county fire department. The head of any such county fire department may be appointed from the classified county firemen's civil service list but upon expiration of the term of his appointment, or upon the appointment of a successor, he shall be returned to such list without change in his civil service status.

History: L. 1945, ch. 36, § 5; C. 1943, Supp., 19-24a-5.

Meaning of "this act". — See the note under the same catchline following § 17-28-1.

17-28-6. Commission powers and duties — Examination, classification and certification.

Each of such county firemen's civil service commissions shall prepare and conduct examinations of persons applying for employment in the particular county fire departments coming within its jurisdiction, classify persons successfully passing such examinations in the order of their ascertained merit and prepare a list thereof, make certification of such classifications when required, and make, publish and distribute necessary rules and regulations relative to such examinations, classifications and certifications and as may be proper and desirable in the administration of its duties under this act.

History: L. 1945, ch. 36, § 6; C. 1943, **Meaning of "this act".** — See the note under the same catchline following § 17-28-1. Supp., 19-24a-6.

17-28-7. Appointments to fire department — Examinations — Eligibility — Tests.

No person shall be appointed to any position or place of employment in any fire department coming within the provisions of this act until he shall have successfully passed such examination as shall be given by the county firemen's civil service commission provided however, any applicant taking such examination who is an honorably discharged veteran of the United States Army, Navy, Marine Corps or Coast Guard shall be given a preferential rating over all other persons taking such examination who are not such veterans, of five per centum of the grade otherwise received in said examination in determining the final grade of such applicant. Such examination shall be public, competitive and free and shall be held at such time and place as the county firemen's civil service commission shall from time to time determine, and shall be for the purpose of determining the qualifications of applicants for positions or places of employment. They shall be practical and shall fairly test the fitness in every respect of persons examined to discharge the duties of the position or place of employment sought and shall include tests of physical qualifications and health.

History: L. 1945, ch. 36, § 7; C. 1943, **Meaning of "this act".** — See the note under this catchline following § 17-28-1. Supp., 19-24a-7.

17-28-8. Appointments to fire department.

The head or person in charge of each fire department of counties coming within the provision of this act shall, subject to the rules and regulations of the county civil service commission, appoint from the county firemen's classified civil service list, such person or persons as may be required to fill all positions or places of employment in such county fire department.

History: L. 1945, ch. 36, § 8; C. 1943, **Meaning of "this act".** — See the note under the same catchline following § 17-28-1. Supp., 19-24a-8.

17-28-9. Certification of eligible persons to fire department heads — Probationary appointments.

The head of each county fire department shall notify the county firemen's civil service commission of all positions to be filled in his department as and when the need therefor arises, whereupon the county firemen's civil service commission shall, as soon as possible, certify from the classified county firemen's civil service list to the head of such fire department the names of three times the number of persons necessary to fill such position; provided, that such civil service commission shall always certify the persons having the highest standing on such civil service list for the position to be filled; and provided further, that a less number may be so certified when there is not the required number on such civil service list. All persons so certified and not appointed shall be restored to their relative position on such civil service list and those who have been on the list for two or more years without appointment shall be removed therefrom and can only be reinstated thereon upon regular examination. Such appointments shall be on probation of a character and for a period to be prescribed by the county firemen's civil service commission.

History: L. 1945, ch. 36, § 9; C. 1943, Supp., 19-24a-9.

17-28-10. Filling vacancies — Examinations.

Any vacancy occurring in any position or place of employment in any county fire department, coming within the provisions of this act, shall be filled by an employee of such department having a lesser or inferior position or place of employment than that in which the vacancy occurs provided such employee submits himself to examination for such position is found upon such examination to be possessed of the necessary qualifications and is duly certified by the county firemen's civil service commission as in this act provided for.

History: L. 1945, ch. 36, § 10; C. 1943, Supp., 19-24a-10.

Meaning of "this act". — See the note under the same catchline following § 17-28-1.

17-28-11. Temporary appointments.

The head of any county fire department coming within the provisions of this act may with the advice and consent of his particular board of county commissioners, appoint to any position or place of employment in his fire department, any person for temporary work without making such appointment from the certified civil service list, provided, however, such appointment shall not be longer than one month in the aggregate in the same calendar year.

History: L. 1945, ch. 36, § 11; C. 1943, Supp., 19-24a-11.

Meaning of "this act". — See the note under the same catchline following § 17-28-1.

17-28-12. Removal from office — Reduction in rank or grade — Appeals — Hearing and determination — Findings.

Any person holding a position under the provisions of this act may be removed from office or employment or reduced in rank or grade by the head of any county fire department for misconduct, incompetency or failure to perform the duties of his employment or to properly observe the rules of the office or department in which he is employed, but subject to appeal in all cases by the aggrieved party to the county firemen's civil service commission. Any such person discharged or reduced in rank or grade may, within five days after notice to him in writing of the issuance of the order discharging him or reducing his rank or grade, appeal from such order to the county firemen's civil service commission which shall thereafter, as soon as may be practicable, fully hear and determine the matter. Such determination shall be limited to affirming, modifying or vacating and setting aside such order. The aggrieved party may demand, and in such event shall be granted a public hearing, and may appear thereat in person or by counsel or both. The findings and determination of the county firemen's civil service commission in the matter, after such hearing, shall be certified to the head of the county fire department from whose order the appeal is taken and notice in writing of such determination shall be served upon the person affected thereby. Such determination shall forthwith be enforced and followed by the head of such fire department, until an appeal is taken to the district court by any person affected thereby.

History: L. 1945, ch. 36, § 12; C. 1943, Supp., 19-24a-12.

Meaning of "this act". — See the note under the same catchline following § 17-28-1.

COLLATERAL REFERENCES

A.L.R. — Pre-employment contract as ground for discharge of civil service employee having permanent status, 4 A.L.R.3d 488.

Rights of state and municipal public employees in grievance proceedings, 46 A.L.R. 4th 913.

17-28-13. Remedies of aggrieved person — Venue — Answer — Issues and determination.

Any person discharged or reduced in rank or grade by a determination of the county firemen's civil service commission may, within 30 days after notice of such ruling, institute an action in the district court of the county at the seat of government, or in the county of the aggrieved person's residence, against the county firemen's civil service commission in its official capacity, setting out his grievance and his right to complain. In its answer the county firemen's civil service commission may set out any matter in justification, and the court shall determine the issues of both questions of law and fact and may affirm, set aside, or modify the ruling complained of.

History: L. 1945, ch. 36, § 13; C. 1943, Supp., 19-24a-13.

17-28-14. Reports by civil service commission.

Each county firemen's civil service commission provided for in this act shall, in December of each year, make an annual report to its particular board of county commissioners and shall make as many special reports as such board of county commissioners shall from time to time require.

History: L. 1945, ch. 36, § 14; C. 1943, Supp., 19-24a-14.

CHAPTER 29

COUNTY SERVICE AREA ACT

Section		Section	
17-29-1.	Short title.	17-29-15.	Delinquent fees and charges to become lien upon certification.
17-29-2.	Purpose of chapter.	17-29-16.	Annexation of other areas to county service area.
17-29-3.	Services which may be supplied by a county service area.	17-29-17.	Annexation of all or part of county service area into city or town — Petition and election on exclusion — Exclusion of territory from area.
17-29-4.	Establishment of service area.	17-29-18.	Abandonment of county service area.
17-29-5.	Area in county service area — Overlapping of areas — Instituting proceedings for establishment.	17-29-19.	Repealed.
17-29-6.	Resolution of county—Contents.	17-29-20.	Authority to dissolve existing special improvement districts.
17-29-7.	Publication and mailing of resolution.	17-29-21.	Power to incur county-wide indebtedness — Limitation — Submission to electors.
17-29-8.	Hearing—Protests—Report of officers—Continuation of hearing—Record.	17-29-22.	Proposal to incur indebtedness—Calling of bond election—Written protests.
17-29-9.	Protests by property owners against establishment of county service area or specified service — Abandonment of proposed establishment or elimination of type of service.	17-29-23.	Resolution calling election — Propositions for issuing general obligation and revenue bonds — Provisions applicable to holding of election.
17-29-10.	Ordinance to establish area—Contents—Appeals—Exclusion of lands from area—Inclusion of unspecified services prohibited.	17-29-24.	Favorable vote — Issuance of bonds — Purposes — Use of proceeds — Improvements, how financed — Bonds as general obligations, tax levy — Resolution for issuance and disposal of bonds — Water or sewer bonds — Time for issuance of full amount.
17-29-10.1.	Board of trustees—Appointment of members—Terms—Petition for election—Procedure—Compensation of members—Officers—Meetings.	17-29-24.1.	Bonds payable from revenues—Covenants with future holders authorized.
17-29-10.2.	Service area deemed body corporate—Powers.	17-29-24.2.	Refunding bonds.
17-29-11.	Procedure for extension or discontinuance of services or dissolution of a service area.	17-29-24.3.	Recital in bonds as to authority for issuance—Effect.
17-29-12.	Repealed.		
17-29-13.	Tax rate — Limitation.		
17-29-14.	Levy and collection of tax—Property subject to tax—Collection of service charges.		

Section
 17-29-25. Tax anticipation notes.
 17-29-26. Property and bonds exempt from taxation except corporate franchise tax and inheritance taxes.
 17-29-27. Reorganization of existing county service areas.

Section
 17-29-28. Publication of resolutions or other proceedings adopted by board—
 Time limit for contesting legality.

17-29-1. Short title.

This chapter shall be known as the "County Service Area Act."

History: L. 1969, ch. 44, § 8.

Repeals and Enactments. — Laws 1969, ch. 44, § 8 repealed former § 17-29-1 (L. 1957, ch. 28, § 1), relating to the short title of the act, and enacted present § 17-29-1.

Cross-References. — Municipal type services to unincorporated areas, § 17-34-1 et seq.

COLLATERAL REFERENCES

C.J.S. — 20 C.J.S. Counties § 50.
Key Numbers. — Counties ⇌ 22.

17-29-2. Purpose of chapter.

The purpose of this chapter is to provide a method whereby county service areas may be created. County service areas shall be initially created in unincorporated geographical areas in the various counties which will enable those areas to receive special types of service not common to the entire county and establish a system for the payment of the costs entailed. The Legislature finds that the necessity for establishing these county service areas is a result of the growth in unincorporated areas of some counties. As a result of the large population growth and intensive residential, commercial and industrial development in unincorporated areas, extended governmental services are needed. The Legislature recognizes the duty of counties as instruments of state government to meet adequately the needs of unincorporated areas, and also recognizes that unincorporated areas should pay for the extended services provided.

History: L. 1969, ch. 44, § 9; 1982, ch. 13, § 1.

Repeals and Enactments. — Laws 1969, ch. 44, § 9 repealed former § 17-29-2 (L. 1957, ch. 28, § 2), relating to the purpose of the act, and enacted present § 17-29-2.

Amendment Notes. — The 1982 amendment substituted "chapter" for "act" in the first sentence; and substituted "initially created" in the second sentence for "comprised of."

17-29-3. Services which may be supplied by a county service area.

Whenever an unincorporated area in a county requires one or more of the following extended services which are not provided on a county-wide basis: extended police protection; fire protection; culinary or irrigation water retail service; water conservation; local park, recreation or parkway facilities and services; cemeteries; public libraries; sewers, sewage and storm water treat-

ment and disposal; flood control; garbage and refuse collection; street lighting; airports; planning and zoning; local streets and roads; curb, gutter and sidewalk construction and maintenance; mosquito abatement; health department services; hospital service, such services may be supplied by a county service area. If the provision of said services shall require the issuance of bonds or the creation of long-term obligations said services may be supplied by means available at law as herein provided.

History: L. 1957, ch. 28, § 3; 1961, ch. 34, § 1; 1967, ch. 34, § 1; 1977, ch. 64, § 1.

Cross-References. — Fire protection districts authorized, § 17-9-1.

17-29-4. Establishment of service area.

A county service area shall be established if:

1. the board of county commissioners determines that such service should be provided on an extended basis within an unincorporated area in the county; or
2. such services are requested in a petition for the initiation of proceedings for the formation of a county service area or for the furnishing of additional types of service within an unincorporated area in the county.

History: L. 1957, ch. 28, § 4; 1967, ch. 34, § 2.

17-29-5. Area in county service area — Overlapping of areas — Instituting proceedings for establishment.

(1) A county service area may consist of all or part of any unincorporated area of one county. County service areas may overlap if the service area which overlaps is entirely within the boundaries of the service area which it overlaps. Not more than two (three, if one is county-wide) service areas may occupy the same area in the county and no overlapping areas may perform the same services. All parts of a county service area need not be contiguous.

(2) Proceedings for the establishment of a county service area may be commenced at any time and shall be instituted by the board of county commissioners if any one of the following occurs:

(a) The majority of the board of county commissioners vote in support of a resolution made by a member of that board, describing the boundaries of the territory proposed to be included in the area and specifying the type or types of extended county services already provided or to be provided.

(b) A petition is filed with the county clerk, requesting the institution of such proceedings signed by not less than 25% of the taxpayers owning real property which is located in the territory proposed to be included within the area. The petition may consist of any number of separate instruments.

(c) A petition is filed with the county clerk, requesting the institution of such proceedings signed by not less than 25% of the qualified voters residing in the territory proposed to be included within the area. The petition may consist of any number of separate instruments.

(3) The resolution or the petitions described in Subsection (2) and all separate instruments related to them shall describe the boundaries of the proposed area with definiteness and certainty.

History: L. 1957, ch. 28, § 5; 1959, ch. 27, § 1; 1959, ch. 28, § 1; 1961, ch. 34, § 1; 1963, ch. 30, § 1; 1967, ch. 34, § 3; 1985, ch. 31, § 1.

Amendment Notes. — The 1985 amendment designated the first paragraph as Subsections (1) through (3); divided the former second sentence of Subsection (1) into the second and third sentences; inserted "may" in the third sentence of Subsection (1); substituted "a county service area" for "such an area" and "if

any one of the following occurs" for "when" in Subsection (2); redesignated former Subsections 1 through 3 as Subsections (2)(a) through (2)(c); substituted "25%" for "ten per cent" in Subsections (2)(b) and (2)(c); deleted "afore-said" before "resolution" in Subsection (3); substituted "petitions described in Subsection (2)" for "petition" in Subsection (3); and made minor changes in phraseology.

17-29-6. Resolution of county — Contents.

Within one month after the resolution has passed or the petition mentioned in § 17-29-4 has been filed with the county clerk, the board of county commissioners shall pass a resolution (1) describing the boundaries of the proposed territory, (2) stating the type or types of services proposed to be provided, (3) stating the name proposed for the area in substantially the following form: "(Name of County) County Service Area No.", (4) stating that a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such area or that a service charge will be collected from the users of such services within the area, or by a combination of the property tax and the service charge, (5) fixing a time and place for a public hearing on the establishment of the area which shall be not less than thirty nor more than sixty days after the adoption of the resolution mentioned in this section, and (6) providing that all interested persons who desire to object shall be heard at that time and place.

History: L. 1957, ch. 28, § 6; 1967, ch. 34, § 4.

17-29-7. Publication and mailing of resolution.

The county clerk shall publish a copy of the resolution mentioned in § 17-29-6 in at least one newspaper of general circulation published in the county, or if no newspaper of general circulation is published in the county, then it shall be published in a newspaper of general circulation in the area. Such resolution shall be published at least once a week during four consecutive weeks, the first publication to be not more than sixty days nor less than twenty-eight days prior to the time stated in said resolution for the public hearing. It shall not be necessary that said resolution be published on the same day of the week in each of four calendar weeks, but not less than twenty days shall intervene between the first publication and the last publication. If one of the services to be afforded by the area shall consist of the making of improvements to streets, roads or alleys through lighting, curbing, guttering, surfacing, sidewalk construction or other street improvements, a copy of such resolution shall be mailed not less than fifteen days prior to the date fixed for such hearing to each owner of property whose property will be subject to

taxation to pay part of the cost of such improvement. It shall be deemed sufficient compliance with the requirement for mailing if such notice is mailed to each person listed on the current county tax roll as the owner of property in the proposed county service area subject to taxation.

History: L. 1957, ch. 28, § 7; 1961, ch. 34, § 1; 1963, ch. 30, § 2; 1967, ch. 34, § 5.

17-29-8. Hearing — Protests — Report of officers — Continuation of hearing — Record.

At the hearing, protests against the establishment of the area or the furnishing of specified types of extended services within the area may be made orally or in writing by any interested person. Any protest may be withdrawn in writing by the protestant, at any time before action is taken by the board of county commissioners. Prior to, or during the hearing, the board of county commissioners may require any county officer or employee to file a report giving an opinion or technical information available to him or her, and the report shall be made part of the record of the hearing. The hearing may be continued from time to time, but the hearing must be concluded within three months. A record of the proceedings and minutes of the hearing shall be taken by the county clerk.

History: L. 1969, ch. 44, § 10.

Repeals and Enactments. — Laws 1969, ch. 44, § 10 repealed former § 17-29-8 (L.

1957, ch. 28, § 8), relating to hearings, and enacted present § 17-29-8.

17-29-9. Protests by property owners against establishment of county service area or specified service — Abandonment of proposed establishment or elimination of type of service.

If property owners owning taxable property in the proposed service area with an assessed value in excess of 40% of the assessed value of all the taxable property within the proposed service area, according to the last assessment roll for county taxes completed prior to the conclusion of the hearing, or if persons constituting and consisting of 25% of the registered voters of the territory proposed to be included within the area file written protests within thirty days after the conclusion of the hearing, against the establishment of the county service area or against the specified type or types of extended service within the area, the board shall in the former instance abandon the proposed establishment of the county service area, and in the latter instance eliminate those types of services objected to from the ordinance finally establishing the area. A protest filed by a corporation owning property in the proposed service area shall be sufficient if signed by any officer or duly authorized agent of the corporation.

History: L. 1957, ch. 28, § [9]; 1959, ch. 27, § 2; 1961, ch. 34, § 1; 1967, ch. 34, § 6; 1969, ch. 44, § 1; 1977, ch. 63, § 1.

17-29-10. Ordinance to establish area — Contents — Appeals — Exclusion of lands from area — Inclusion of unspecified services prohibited.

When the board of county commissioners determines to establish the area, it shall by ordinance so declare and finally determine and establish the boundaries of the county service area, which shall not exceed the territory proposed, designate the types of service to be performed therein, and set forth in detail whether the services are to be paid for by a property tax or service charge or a combination of both. Such ordinance may contain any changes the board of county commissioners deem equitable and necessary including the reduction of the boundaries of the service area and elimination of one or more of the types of service proposed. Any aggrieved property owner or person qualified to vote who has filed a written protest within the time provided in § 17-29-9 may appeal to the district court from the decision of the board of county commissioners so establishing such county service area. Such appeal shall be filed within thirty days after the effective date of the ordinance establishing the district. Upon petition by the property owner or person qualified to vote made within the time for filing protests as provided in § 17-29-9, land shall be excluded from the county service area if such land is contiguous to other land not included in the area, and if the board of county commissioners finds that such land, real property owner or person qualified to vote will not benefit from any of the types of extended services proposed to be provided within the county service area. Such land may be included at the request of the owner. The board of county commissioners shall not include types of services not specified in the resolution or petition referred to in § 17-29-5.

History: L. 1957, ch. 28, § 10; 1961, ch. 34, § 1; 1967, ch. 34, § 7; 1969, ch. 44, § 2.

17-29-10.1. Board of trustees — Appointment of members — Terms — Petition for election — Procedure — Compensation of members — Officers — Meetings.

The governing body of each service area created hereunder shall be a board of trustees consisting of three or more members created in one of the following ways:

- (1) The county commissioners of the initiating county may in the initial ordinance creating the service area declare that the county commissioners of the county shall act as the trustees of the service area created and shall constitute all of the trustees; and thereafter the duly elected and qualified county commissioners of the county shall act as trustees of the service area and shall have all the powers, authority and responsibility vested in the trustees under this act, and may, if they so desire, utilize

any existing county offices, officers, or employees for the purposes of the service area, when in the opinion of the commissioners, it would be advisable so to do; provided, however, that the service area shall be charged by the commissioners and shall pay to the county treasurer for the general fund of the county, a reasonable amount for the services rendered for the service area by the county officers, offices and employees so used other than the county commissioners.

(2) At any time after the creation of a board of trustees as provided in Subsection (1), the county commissioners of the initiating county may by ordinance determine that the interests of the service area would thereafter be best served by the appointment of a board of trustees by the board of county commissioners to serve for terms of two, four and six years from the first Monday in January next following their appointment.

(3) The board of county commissioners of the initiating county may in the initial ordinance creating the service area, appoint a board of trustees to serve for terms of two, four and six years from the first Monday in January next following their appointment.

(4) At any time after the creation of a board of trustees as provided in Subsection (1), and upon the signing of a petition by a least ten per cent of persons eligible to vote in any election in any service area created under this act being filed with the board of county commissioners, thirty days prior to the date set for a bond election, or ninety days prior to the date set for any general election of county officers requesting that an election for trustees be held, the board of county commissioners shall be required to proceed with the election in the following manner:

At any time within thirty days after the board of county commissioners has entered an order calling the election, but not less than fifteen days next preceding the day of election, any owner of real property or a person qualified to vote in said service area may file with the county clerk a signed statement announcing that he or she is a candidate to be one of the first elected trustees of the service area. In the event said election for trustees is held in conjunction with a bond election, the board of trustees in calling the bond election shall provide a separate ballot on which shall appear the names of the candidates and shall leave blanks in which the voters may write in additional names. Each voter at the election shall be entitled to vote for the number of trustee positions to be filled. The persons receiving the highest number of votes at the election shall constitute the members of the board of trustees. The terms of the members of the board of trustees after said election shall run for two, four and six years from the first Monday in January next following the election. Initial terms shall be selected by lot, and shall be apportioned in such manner so that whenever possible, equal numbers of the board will serve for two years, four years, and six years. Thereafter, except for appointments made to fill unexpired terms, the term of each member shall be six years.

A member of the board of trustees shall be a taxpayer and a qualified voter in the service area. Each member of the board of trustees shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board.

In voting either on the question of the issuance of proposed bonds or on the election of trustees, all qualified voters in the service area shall be permitted to vote.

Following the election or appointment of the first trustees, any elected trustee shall be elected at an election held on the first Wednesday in December next preceding the expiration of the term of office of an incumbent elected or appointed trustee and each trustee so subsequently elected shall serve for a term of six years and until his successor is elected and has qualified. Each such trustee shall take office on the first Monday in January next following his election. After the first election, elections for members of board of trustees shall be held on the first Wednesday in December in each succeeding two years after the first election.

The election shall be called and conducted, the canvass of returns shall be made and the qualifications of electors shall be as provided in the general registration election laws, except as in this chapter provided. The polling places shall be fixed by the board of trustees. It shall be necessary for each candidate, or at least five citizens in behalf of a candidate, to file with the clerk of the board of trustees, not less than fifteen days next preceding the day of election, a signed statement announcing that he or she is a candidate. Appointment of judges of election shall be made by the board of trustees at any convenient time prior to the day of election. The board of trustees shall furnish to the judges of election at every voting place a sufficient number of ballots for election purposes and shall exercise all such powers relative to the election of trustees as are conferred upon the board of county commissioners in other elections, so far as conformable with this chapter. All lawful and necessary expenses of the election shall be paid by the service area; provided, however, the county clerk shall furnish without expense to the service area at least five days prior to the date of election a certified copy of a list of registered voters residing in the service area outside of any municipality or incorporated area. Each trustee shall receive such compensation not exceeding \$500 per year as the board of trustees may determine, except when the board of county commissioners acts as the board of trustees, no compensation shall be paid to them as trustees. Each trustee who is also a member of the board of county commissioners shall take the oath of office and shall give such bond as may be at that time required by law for members of the board of county commissioners, and all laws pertinent to the qualification and giving and filing of oaths and bonds of members of the board of county commissioners shall be applicable to said trustees. Trustees who are not members of the board of county commissioners shall take the oath of office and shall give such bond in such amount and with such sureties as may be prescribed by the board of county commissioners.

The trustees initially appointed shall meet within a reasonable time after their appointment, shall qualify as trustees, and shall organize as a board through the election of one of their members as chairman and through the appointment of a clerk and a treasurer, or a clerk-treasurer. All vacancies of elected trustees in office shall be filled by the board of county commissioners. An appointee shall hold office for the unexpired term of the trustee whom he replaces.

History: L. 1969, ch. 44, § 12; 1970, ch. 10, § 1.

Repeals and Enactments. — Laws 1969, ch. 44, § 12 repealed former § 17-29-10.1 (L.

1961, ch. 34, § 2), relating to the creation of the board of trustees, and enacted a present § 17-29-10.1.

17-29-10.2. Service area deemed body corporate — Powers.

On and after the effective date of the ordinance creating a county service area the service area shall be deemed a body corporate and politic and a quasi-municipal public corporation and the service area, acting through its board of trustees, shall have the following rights, powers and authority in addition to any other rights, powers and authority provided by the County Service Area Act:

1. The power to exercise all powers of eminent domain possessed by counties in Utah in the manner provided by law for the exercise of eminent domain power by counties.
2. The right to sue and be sued.
3. The power to enter into contracts considered desirable by the board of trustees of the service area to carry out the functions of the service area including, but without limitation, the power to enter [into] contracts with municipal corporations, counties or other public corporations, county service areas or districts.
4. The power to impose and collect charges or fees for any commodities, services or facilities afforded by the service area to its consumers and to pledge all or any part of the revenues so derived to the payment of any bonds of the service area, whether the bonds are issued as revenue bonds or as general obligations of the service area. Where revenue bonds are issued payable solely from the revenue of commodities, services and facilities, the fees and charges imposed shall always be sufficient to carry out the provisions of the resolution authorizing the bonds. The board of trustees may do such things and adopt such regulations necessary to assure the collection and enforcement of all fees and charges imposed. Where more than one commodity, service or facility is furnished to a consumer by the service area, the fees and charges for all commodities, services and facilities may be billed to the consumer in a single bill. All or any of the commodities, services and facilities furnished to a consumer by the service area may be suspended if any fees and charges due the service area are not paid in full when due.
5. The power to sell, lease, mortgage, encumber or otherwise dispose of any properties, including water and water rights, owned by the service area upon such terms and conditions as the board of trustees may determine.
6. The power to own any and all property or interests in property, including water and water rights, deemed necessary or appropriate by the board of trustees in carrying out the purposes of the service area and the power to acquire the same by purchase, lease, gift, devise or bequest.
7. The right to utilize any existing county offices, officers or employees for purposes of the service area when in the opinion of the board of trustees it is advisable to do so; but in any event, the board of county commissioners may charge the service area a reasonable amount for the services rendered, other than for services rendered by the county commissioners.
8. The right to employ officers, employees and agents of the service area, including attorneys, accountants, engineers and fiscal agents, and to fix their compensation. The board of trustees may require officers and

17-29-14. Levy and collection of tax — Property subject to tax — Collection of service charges.

The tax as fixed by the board of trustees shall be levied and collected with other taxes levied and collected by the county. All tangible property located within the service area not exempt from ad valorem property taxation under the Constitution and laws of Utah shall be subject to such tax. Any service charge fixed by the board of trustees shall be collected in the manner prescribed by the board of trustees.

History: L. 1957, ch. 28, § 14; 1961, ch. 34, § 1; 1967, ch. 34, § 11; 1969, ch. 44, § 4.

17-29-15. Delinquent fees and charges to become lien upon certification.

The governing authority of a service area may, by ordinance or resolution, provide that fees and charges for commodities, services, and facilities supplied by the service area shall, if not paid when due, be certified to the treasurer and assessor of the county in which the delinquent premises are located. These delinquent fees and charges, together with applicable penalties and applicable interest set forth in § 59-10-26 shall, immediately upon this certification, become a lien on the delinquent premises on a parity with and collected at the same time and in the same manner as general county taxes that are a lien on the premises as provided in Title 59, Chapter 10.

History: C. 1953, 17-29-15, enacted by L. 1977, ch. 66, § 1.

17-29-16. Annexation of other areas to county service area.

Whenever the services of the type being provided within a county service area should be provided in any other unincorporated portion of the county whether contiguous to the existing area or not, the board of county commissioners may annex that territory to the area in the manner provided by this chapter for the formation of a new service area in such territory with such changes as are necessary to make the proceedings germane to the proposed action without denying any person his substantive rights.

History: L. 1957, ch. 28, § 16; 1961, ch. 34, § 1; 1967, ch. 34, § 12.

17-29-17. Annexation of all or part of county service area into city or town — Petition and election on exclusion — Exclusion of territory from area.

(1) Whenever all or any portion of a county service area is subsequently annexed into an incorporated city or town, that territory shall be excluded

from the county service area six months after the effective date of annexation unless a petition has previously been filed with the governing body of the city or town requesting that the territory described in the petition remain within the service area. The petition shall be signed by property owners owning taxable property in the territory to be excluded with an assessed value in excess of 40% of the assessed value of all taxable property within the area to be excluded, according to the last assessment roll for county taxes completed prior to the date of filing of the petition, or by 25% of the registered voters residing within the territory to be excluded. Upon receipt and verification of the validity of such petition, the governing body of the city or town shall, within 30 days after receipt of the petition, either approve the petition, in which case that territory shall continue to be included in the county service area, or reject the petition in which case the governing body of the city or town shall, at the next general election, cause the following proposition to be placed before the qualified voters residing within that portion of the city or town lying within the boundaries of the county service area as described in the petition: "Shall the territory lying within (name of city or town) which is also within the boundaries of (name of county service area) be retained within (name of county service area)?" If a majority of the duly qualified voters who cast their ballots in such election vote "yes" on the proposition, the territory described in the petition within the county service area which is included within the city or town shall remain within the county service area. If a majority of the duly qualified voters who cast their ballots in the election vote "no", the territory in the county service area lying within the city or town shall forthwith be excluded from the county service area effective as of the date of the election.

(2) Whenever all or any portion of a county service area is included within a newly incorporated city or town, that territory shall not be excluded from the county service area unless a petition is thereafter filed with the governing body of the city or town, requesting exclusion of that territory from the county service area. The petition shall be signed by owners of taxable property in the territory to be excluded having an assessed value in excess of 40% of the assessed value of all taxable property within the area to be excluded, according to the last assessment roll for county taxes completed prior to the date of filing of the petition, or by 25% of the registered voters residing within the territory to be excluded. Upon receipt and verification of the validity of the petition, the governing body of the city or town shall, at the next general election, cause the following proposition to be placed before the qualified voters residing within that portion of the city or town lying within the boundaries of the county service area: "Shall all territory lying within (name of city or town) which is also within the boundaries of (name of county service area) be excluded from (name of county service area)?" If a majority of the duly qualified voters who cast their ballots in such election vote "yes" on the proposition, the territory in the county service area which is included within the city or town shall forthwith be excluded from the county service area, effective as of the date of the election. If a majority of the duly qualified voters who cast their ballots in the election vote "no", the territory in the county service area lying within the city or town shall remain within the county service area.

(3) Upon the exclusion of territory from a county service area, all unencumbered funds standing to the credit of the county service area upon the date of the exclusion shall be divided between the incorporated area and the county

service area in proportion to the assessed value of the taxable property of the territory excluded and the portion remaining within the county service area. The unencumbered funds are the sums of money, uncollected taxes, and other uncollected accounts due such county service area, in excess of an amount sufficient to pay all claims. If at the time of the exclusion of any territory from a county service area the county service area has outstanding indebtedness payable from taxes, the exclusion shall relieve the excluded territory from liability for the payment of taxes for any indebtedness except that the excluded area shall continue to be taxable for the purpose of paying voted indebtedness existing at the time of exclusion, but only to the extent and only in the years where it becomes necessary to levy such tax in the excluded area in order to forestall or prevent a default in the payment of principal and interest on that indebtedness. In that event the board of county commissioners shall levy such taxes upon a finding that it is necessary to do so in order to forestall or prevent a default, the taxes shall be collected by the county treasurer as other taxes.

History: L. 1957, ch. 28, § 17; 1961, ch. 34, § 1; 1963, ch. 30, § 4; 1967, ch. 34, § 13; 1982, ch. 13, § 2.

Amendment Notes. — The 1982 amendment substituted Subsection (1) for "Whenever any territory in a county service area is subsequently included within an incorporated city or town, that territory is forthwith excluded from the county service area upon the date of its inclusion in such city or town"; inserted Subsection (2); inserted the Subsection (3) designation; substituted "territory from a county service area" in the first sentence of Subsection

(3) for "such territory"; added "within the county service area" to the first sentence of Subsection (3); deleted "not" before "relieve" in the third sentence of Subsection (3); substituted the exception at the end of the third sentence of Subsection (3) for "and such territory shall continue to be subject to the annual levy of taxes for the payment of principal of and interest on such indebtedness in the same manner and to the same extent as would have been so subject had it not been excluded"; added the last sentence to Subsection (3); and made minor changes in phraseology.

17-29-18. Abandonment of county service area.

If the board of trustees does not levy any county service area taxes or service charges or furnish any extended county services, and no county service area funds are expended within an area for three consecutive years, the county service area shall be deemed to be abandoned unless there is any unpaid indebtedness or general obligation or revenue bonds outstanding against the service area. Upon the abandonment of the area, any surplus county service area funds shall revert to the county general fund.

History: L. 1957, ch. 28, § 18; 1961, ch. 34, § 1; 1967, ch. 34, § 14.

17-29-19. Repealed.

Repeals. — Section 17-29-19 (L. 1957, ch. 28, § 19), relating to the mill levy limitation on taxes imposed for county improvement dis-

tricts by county governing body, was repealed by Laws 1967, ch. 34, § 21. For present comparable provisions, see § 17-29-24.

17-29-20. Authority to dissolve existing special improvement districts.

Any existing special improvement districts in any unincorporated area of the county not under the direct supervision and control of the county commission may dissolve in the same manner as is provided for disincorporation of cities and towns and the residents of the unincorporated areas involved may be furnished extended services under the provisions of this act.

History: L. 1969, ch. 44, § 11.

Repeals and Enactments. — Laws 1969, ch. 44, § 11 repealed former § 17-29-20 (L. 1957, ch. 28, § 20), relating to bringing existing special improvement districts under the act, and enacted present § 17-29-20.

Meaning of "this act". — The term "this act" means Laws 1969, Chapter 44, which appears as §§ 17-29-1, 17-29-2, 17-29-8 to 17-29-11, 17-29-13, 17-29-14, 17-29-20, 17-29-22, 17-29-24 to 17-29-24.3 and 17-29-28.

17-29-21. Power to incur county-wide indebtedness — Limitation — Submission to electors.

(1) Indebtedness on a county-wide basis, incurred for the purpose of supplying such services as may be authorized by this chapter, not exceeding in the aggregate, with all other county indebtedness, 2% of the reasonable fair cash value of all the taxable property in the county, as computed from the last equalized assessment roll for state and county purposes prior to the incurring of this indebtedness, may be incurred by the county. In computing the reasonable fair cash value of the taxable property in the county, the reasonable fair cash value of all tax equivalent property, as defined in § 59-28-2, shall be included as a part of the reasonable fair cash value of the taxable property in the county, as provided in the Tax Equivalent Property Act, Chapter 28, Title 59. Indebtedness which is payable from revenues to be derived from the operation of the facilities of the area or from taxes on property within the area for benefits conferred thereon or for services rendered or a combination thereof, may be incurred, which indebtedness shall not be included as indebtedness of the county for the purpose of computing county-wide indebtedness. The proposition to incur county-wide indebtedness when the total county debt, as determined after adding this debt, exceeds the county taxes for the current year, must be submitted to the vote of the qualified electors of the county, and a majority of those voting must vote in favor of incurring the debt.

(2) The proposition to incur indebtedness payable solely from taxes levied on or service charges payable by persons residing in the county service area, when this indebtedness is for a term exceeding one year, must be submitted to a vote of the qualified electors in the county service area and a majority of those voting must vote in favor of incurring the debt.

History: L. 1957, ch. 28, § 21; 1961, ch. 34, § 1; 1967, ch. 34, § 15; 1970, ch. 10, § 2; 1981, ch. 243, § 5; 1985, ch. 165, § 32.

Amendment Notes. — The 1985 amendment deleted "of 100%" after "2%" in the first sentence of Subsection (1).

COLLATERAL REFERENCES

Utah Law Review. — Constitutional Restriction Upon Municipal Indebtedness, 1966
Utah L. Rev. 462.

17-29-22. Proposal to incur indebtedness — Calling of bond election — Written protests.

A proposal to incur indebtedness which would cause the total county debt to exceed the county taxes for the current year or which would not be payable within one year, as the case may be, may be originated by a majority vote of the board of trustees or by petition of not less than 100 property owners or ten per cent of all the property owners, whichever is lesser, who own property within the county service area or by petition of not less than ten per cent of all the qualified voters residing in the county service area. Such proposal shall specify the particular purpose for which the indebtedness is to be created, the amount in money of bonds which it is proposed to issue and the name and number of the county service area. After such proposal has been made, the board of trustees, as expeditiously as possible, shall adopt a resolution fixing a time and place at which the proposal shall be heard, which time shall be not less than thirty nor more than sixty days after the date of adoption of the resolution. The board of trustees shall forthwith issue a notice of the time and place of hearing, which notice shall state that all persons who own property in the service area when the debt is payable solely from within the county service area or all persons residing in the county when the debt is county-wide have the right to appear at such hearing and contend for or protest against the incurrence of the debt and the holding of a bond election. If the service area shall have theretofore issued bonds, such notice shall include a statement of the amount of outstanding bonds of the service area and shall indicate whether the bonds are general obligations of the county or are payable solely from within the county service area. The board of trustees shall cause the notice to be published once a week during four consecutive weeks in a newspaper of general circulation in the county, the first publication to be not more than sixty days nor less than twenty-eight days prior to the date of the hearing. It shall not be necessary that said notice be published on the same day of the week in each of four calendar weeks, but not less than twenty days shall intervene between the first publication and the last publication. At the time and place set for the hearing of the petition, or upon a subsequent date fixed at the original hearing the board of trustees shall proceed to hear the proposal and all matters in respect to a bond election. If upon the hearing of the proposal the board of trustees shall find that due notice has been given and that the services under discussion would be for the benefit of all taxable property or the real property owners situated in the service area, then the board shall make and cause to be entered of record upon its minutes an order so finding, and shall proceed to call the bond election and, if a majority of those voting, vote in the affirmative, to issue the bonds in the manner hereinafter provided. The board shall have authority to reduce the amount in money of the bonds named in the petition. If written protests are filed prior to the date fixed for the original hearing, signed by property owners owning taxable property in the service area with an assessed value in excess of forty per cent

of the assessed value of all the taxable property within the service area, according to the last assessment roll for county taxes completed prior to the holding of the election or by forty per cent of all the qualified voters residing in the county service area or by forty per cent of all the qualified voters residing in the county, the board shall not have authority to proceed with the calling of the election, and no new petition for a bond election in said service area shall be entertained for a period of twelve months thereafter. If written protests are filed and the board of trustees shall determine that the protests so filed represent less than the forty per cent required, a resolution or finding in writing of the board calling the election shall so recite and such recital shall be conclusive. The provisions of this section and of § 17-29-7 with regard to publication of notice in a newspaper may be carried out concurrently.

History: L. 1957, ch. 28, § 22; 1961, ch. 34, § 1; 1967, ch. 34, § 16; 1969, ch. 44, § 5.

17-29-23. Resolution calling election — Propositions for issuing general obligation and revenue bonds — Provisions applicable to holding of election.

(1) If under the foregoing provisions the board is authorized to call an election on the issuance of the bonds, the board shall adopt a resolution directing that an election be held in the county or service area, as the case may be, for the purpose of determining whether bonds in the amount, for the purpose, and with the maximum maturity specified in the resolution, shall be issued. A proposition for issuing general obligation bonds and a proposition for issuing revenue bonds, or any combination thereof, may be submitted at the same election.

(2) Adoption of the resolution calling the election, determination of voters' qualifications, notice and conduct of the election, and the canvass of election results shall be accomplished in the manner prescribed in the Utah Municipal Bond Act. The board, for purposes of the election, may treat the entire district as a single precinct or divide the district into several precincts and it may fix such polling places as it deems appropriate.

History: L. 1957, ch. 28, § 23; 1961, ch. 34, § 1; 1967, ch. 34, § 17; 1970, ch. 10, § 3; 1981, ch. 83, § 1; 1983, ch. 108, § 3.

ment substituted Subsection (2) for specific provisions governing elections.

Utah Municipal Bond Act. — See § 11-14-1 et seq.

Amendment Notes. — The 1983 amend-

17-29-24. Favorable vote — Issuance of bonds — Purposes — Use of proceeds — Improvements, how financed — Bonds as general obligations, tax levy — Resolution for issuance and disposal of bonds — Water or sewer bonds — Time for issuance of full amount.

(1) If a majority of the qualified electors voting thereon shall vote in favor of incurring the indebtedness as proposed, the board of trustees shall proceed

to issue the bonds in the amount of money specified or such lesser amount as it may determine. The bonds shall be issued for the purpose or purposes provided in the voted proposition, which may be for the acquisition, construction, or installation of any facility or property, including water and water rights, required or deemed necessary to supply any of the extended services referred to in § 17-29-3 or any part or combination thereof, or for maintaining, repairing, improving, and extending the facility or property or combination of facilities and property. The proceeds of the bonds may also be used for the payment of all legal, engineering, and fiscal agent expenses reasonably incurred in connection with the construction, installation, improving, maintaining, repairing, and extending of the facilities or property and with the authorization and issuance of the bonds.

(2) Improvements in county service areas may be financed either entirely from ad valorem taxes or entirely from revenue of all or part of the facilities and property of the service area or in whole or in part from both ad valorem taxes and operating revenues. All bonds of the service area which are not payable solely from the revenues of the service area or from taxes proportionately levied on property benefited by the improvements shall be the general obligations of the county, and the full faith, credit, and resources of the county shall be pledged for the payment thereof. Regardless of any limitations contained elsewhere in the laws of Utah and this chapter, including § 17-29-13, it shall be the duty of the board of trustees to cause taxes to be levied annually on all taxable property in the service area in the manner provided in § 17-29-13 but without regard to the limitation on rate therein set forth, which will be fully sufficient: (a) to pay the interest on such indebtedness as it falls due; and (b) to constitute a sinking fund for the payment of the principal thereof within the time for which such bonds are issued.

(3) The board of trustees shall provide by resolution for the issuance and disposal of the bonds. The bonds may bear interest at such rate or rates and may be sold at public or private sale, in such manner, and at such prices, either at, in excess of, or below the face value thereof as may be provided in the resolution. The bonds may be made redeemable in advance of maturity at such times and with such premium and may be issued for such period not exceeding 40 years as may be provided in the resolution. The bonds may be either serial or term bonds and may be in registered or coupon form.

(4) If the board of trustees does not issue the full amount of the bonds stated in the proposition approved by the electors, all or any part of the remainder so authorized may be issued at any time not later than three years after the date of the election at which the proposition was approved.

History: L. 1957, ch. 28, § 24; 1961, ch. 34, § 1; 1967, ch. 34, § 18; 1969, ch. 44, § 6; 1970, ch. 10, § 4; 1981, ch. 83, § 2.

Cross-References. — Maximum tax levy rate for service area, § 17-29-13.

17-29-24.1. Bonds payable from revenues — Covenants with future holders authorized.

If any bonds issued hereunder are payable in whole or in part from revenues to be derived by the service area from the fees and charges it imposes for any commodities, services or facilities afforded by the service area to its consumers, the board of trustees may in the resolution authorizing the bonds enter into covenants with the future holder or holders of the bonds pertaining to the management and operation of the facilities, the imposition and collection of fees and charges, the disposition of fees and revenues, the issuance of future bonds and the creation of future liens and encumbrances against facilities and the revenue thereof, the carrying of insurance on the facilities, the keeping and auditing of books and records, and such other pertinent matters as may be deemed appropriate by the board of trustees.

History: L. 1969, ch. 44, § 14.

1961, ch. 34, § 2), relating to the issuance of bonds, and enacted present § 17-29-24.1.

Repeals and Enactments. — Laws 1969, ch. 44, § 14 repealed former § 17-29-24.1 (L.

17-29-24.2. Refunding bonds.

Any bonds issued by any service area may be refunded pursuant to resolutions adopted by the board of trustees in the manner provided by this act for the issuance of other bonds except that no hearing or election need be held in order to issue refunding bonds. Refunding bonds so issued may be secured in the manner and may be made payable from those sources as may be provided in the resolution authorizing their issuance except that bonds payable solely from the revenues of the service area may not be refunded into bonds payable in whole or in part from taxes. Refunding bonds so issued may be sold at public or private sale or may be exchanged for the bonds to be refunded. If sold, the proceeds of the sale may be escrowed for the payment of the bonds to be refunded in such manner as may be authorized in the resolution authorizing the refunding bonds. No bonds may be refunded unless they either mature or are callable for redemption under their terms within twelve months from the date of issuance of the refunding bonds, or unless the holders of said bonds voluntarily surrender them for exchange or payment.

History: L. 1969, ch. 44, § 15.

Repeals and Enactments. — Laws 1969, ch. 44, § 15 repealed former § 17-29-24.2 (L. 1961, ch. 34, § 2), relating to refunding bonds, and enacted present § 17-29-24.2.

Meaning of "this act". — See the note under the same catchline following § 17-29-20.

17-29-24.3. Recital in bonds as to authority for issuance — Effect.

The resolution authorizing the issuance of any bonds of a service area may provide that the bonds recite that they are issued under the authority of this chapter. Any bonds issued containing this recital shall be incontestable for any cause whatsoever after their delivery for value and the recital shall conclusively establish full compliance with all of the provisions of this chapter.

History: L. 1969, ch. 44, § 16.

Repeals and Enactments. — Laws 1969, ch. 44, § 16 repealed former § 17-29-24.3 (L.

1961, ch. 34, § 2), relating to recitals in bonds as to authority for issuance, and enacted present § 17-29-24.3.

17-29-25. Tax anticipation notes.

(1) The board of trustees of a service area may issue notes in anticipation of the receipt of taxes levied under this chapter. The amount of notes so issued shall not exceed 75% of the tax revenues and other revenues of the preceding year, and the proceeds shall be applied only to pay current and necessary expenses and for other purposes for which funds for the service area may be expended, and there shall be included in the annual levy a tax in connection with which provision is made for the imposition and collection of sufficient revenues.

(2) Each resolution authorizing the issuance of tax anticipation notes shall:

(a) Describe the taxes or revenues in anticipation of which the notes are to be issued; and

(b) Specify the principal amount of the notes, their rate of interest, which may be variable, and their maturity date, which shall not extend beyond the last day of the fiscal year of the issuing service area.

(3) Tax anticipation notes shall be issued and sold in such manner and at such price (whether at, below, or above face value), as the board of trustees shall by resolution determine. Tax anticipation notes shall be in bearer form, except that the board of trustees may provide for the registration of the notes in the name of the owner, either as to principal alone, or as to principal and interest. Tax anticipation notes may be made redeemable prior to maturity at the option of the board of trustees in the manner and upon the terms fixed by the resolution authorizing their issuance. Tax anticipation notes shall be executed and shall be in such form and have such details and terms as shall be provided for in the authorizing resolution.

(4) The provisions of §§ 11-14-14.5, 11-14-15, 11-14-16, 11-14-19.7, 11-14-20, 11-14-21, 11-14-22, 11-14-24, and 11-14-25 shall apply to all tax anticipation notes issued under this section. In applying these sections to tax anticipation notes, "bond" or "bonds" as used in these sections shall be deemed to include tax anticipation notes.

History: C. 1953, 17-29-25, enacted by L. 1983, ch. 74, § 1.

Compiler's Notes. — Laws 1969, ch. 44, § 18 repealed former § 17-29-25 (L. 1959, ch.

27, § 3; 1961, ch. 34, § 1), relating to contracts with municipalities and others for extended services.

17-29-26. Property and bonds exempt from taxation except corporate franchise tax and inheritance taxes.

The effectuation of the authorized purposes of service areas organized under this act will be in all respects for the benefit of the people of this state residing within the service area, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions; and since essential government functions will be performed in effectuating said purposes, no gen-

eral ad valorem taxes shall be levied upon any property acquired or used by or in such service area and the bonds issued in conjunction with any service area, their transfer, and the income therefrom, shall at all times be free from taxation by the state of Utah, or any subdivision thereof, except for the corporate franchise tax and inheritance taxes.

History: C. 1953, 17-29-26, enacted by L. 1961, ch. 34, § 2; L. 1967, ch. 34, § 19; 1984, ch. 61, § 7.

Amendment Notes. — The 1984 amendment inserted "the corporate franchise tax and" near the end of the section.

Meaning of "this act". — The term "this act" means Laws 1961, Chapter 34, which appears as §§ 17-29-3, 17-29-5, 17-29-7, 17-29-9, 17-29-10, 17-29-12 to 17-29-18, and 17-29-21 to 17-29-24.

17-29-27. Reorganization of existing county service areas.

Any service area organized and in existence on the effective date of this amendatory act may be reorganized by the appointment by the board of county commissioners of a board of trustees as provided in § 17-29-10.1. The board of county commissioners after such reorganization shall declare the service area reorganized by resolution, which resolution shall be published at least once in a newspaper of general circulation in the service area. On and after the date of such publication said existing service area shall be deemed reorganized with all the rights, privileges and powers and subject to all limitations, restrictions, liabilities and duties of service areas which are organized after the effective date of this amendatory act.

History: C. 1953, 17-29-27, enacted by L. 1961, ch. 34, § 2; L. 1967, ch. 34, § 20.

"Effective date of this amendatory act". — The term "effective date of this amendatory act" means March 8, 1961, the effective date of Laws 1961, Chapter 34.

Meaning of "this amendatory act". — See the note under "Meaning of 'this act'" following § 17-19-26.

17-29-28. Publication of resolutions or other proceedings adopted by board — Time limit for contesting legality.

The board of trustees may provide for the publication once of any resolution or other proceeding adopted by the board in a newspaper of general circulation in the service area. For a period of thirty days after the date of publication, any person in interest shall have the right to contest the legality of the resolution or proceeding or any bonds which may be authorized thereby by a proper proceeding in the district court of the county in which the service area is located and after such time no one shall have any cause of action to contest the regularity, formality or legality of any resolution or proceeding for any cause whatsoever.

History: L. 1969, ch. 44, § 17.

Repeals and Enactments. — Laws 1969, ch. 44, § 17 repealed former § 17-29-28 (L.

1961, ch. 34, § 2), relating to publication of board resolutions and proceedings, and enacted present § 17-29-28.